

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NORMAN OLIVER ALDRIDGE, JR.

Plaintiff,

v.

**VANDERBILT UNIVERSITY
MEDICAL CENTER,**

Defendant.

Case No. _____

COMPLAINT

Comes now Plaintiff Norman Oliver Aldridge, Jr. ("Mr. Aldridge"), by and through counsel, and brings this health care liability action against Defendant ("Vanderbilt") showing to this Court the following facts in support of his claim:

I. Parties

1. Mr. Aldridge is a citizen of Kentucky who resides at 109 Homewood Boulevard, Glasgow, Kentucky 42141.

2. Vanderbilt is a corporation organized under the laws of Tennessee with its principle place of business located in Tennessee. Defendant Vanderbilt's agent for service of process is National Registered Agents, Inc., 300 Montvue Road, Knoxville, Tennessee 37919-5546.

II. Jurisdiction and Venue

3. This cause of action accrued in Nashville, Davidson County, Tennessee. Vanderbilt routinely conducts business in this judicial district. There is diversity of

citizenship between the parties pursuant to 28 U.S.C. § 1332, and the amount in controversy exceeds \$75,000. Therefore, subject matter jurisdiction, personal jurisdiction, and venue are proper in this Court.

III. Pre-suit Notice Requirement

4. Mr. Aldridge has complied with the requirements of Tenn. Code Ann. § 29-26-121. Mr. Aldridge mailed a proper Pre-Suit Notice to Vanderbilt at least sixty (60) days before filing this Complaint. An Affidavit of April White, the Certificate of Mailing, the Pre-suit Notice, and HIPAA Authorization are attached as Collective Exhibit A. Mr. Aldridge filed a Certificate of Good Faith with this Complaint in conformity with Tenn. Code Ann. § 29-26-122.

IV. Facts

5. On January 18, 2017, Mr. Aldridge presented to the Outpatient Internal Medicine Clinic of Vanderbilt. The reason for his visit was routine evaluation and management of multiple medical problems. He was seen in the Nephrology Clinic after his Internal Medicine Clinic visit. Based on his known condition and medical history, Mr. Aldridge was a high fall risk.

6. While being weighed at the Nephrology Clinic, Mr. Aldridge fell backwards as he was stepping off the scale. He struck his head against the wall and then fell hard to the ground. He had loss of consciousness and exhibited some

confusion after the injury. He also complained of neck and left hip pain after the fall. Mr. Aldridge was transported to Vanderbilt's Emergency Department.

7. At the Emergency Department, Mr. Aldridge had X-rays of his left leg and femur, which showed a displaced left femoral neck fracture superimposed on demineralization. A CT scan of the head and spine without contrast revealed a redemonstrated fracture involving the anterior and posterior arch of C1 with lack of osseous fusion.

8. The plan was to admit Mr. Aldridge to Vanderbilt's hospital for a left hip hemiarthroplasty the next day. This is a surgical procedure that replaces one half of the hip joint with a prosthetic while leaving the other half intact. Mr. Aldridge had hip surgery with an uneventful post-surgical stay.

9. Vanderbilt's staff deviated from the recognized standard of acceptable professional practice by allowing Mr. Aldridge to fall to the floor and get injured. Vanderbilt's staff should have performed an evaluation of his ability to stand safely before being weighed. Moreover, Vanderbilt's staff should have performed a fall risk assessment and taken appropriate precautions to prevent Mr. Aldridge from falling. Mr. Aldridge was in a weakened state and mostly dependent for the previous month. His age, history, and physical condition made "high risk" for falls. Vanderbilt's staff should have secured Mr. Aldridge on the scale to make sure he was safe from a fall. These deviations from the standard of care caused Mr. Aldridge to suffer an injury which would not otherwise have occurred.

10. Vanderbilt's staff who were involved in assessing and weighing Mr. Aldridge on January 18, 2017, acted within the course and scope of their employment with Vanderbilt.

11. Mr. Aldridge has suffered specific and general damages as a direct result of the fall.

WHEREFORE, Mr. Aldridge brings this health care liability action against Vanderbilt and seeks all damages and other relief allowed by law.

Respectfully submitted,

THE KELLY FIRM

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